

REMARKS

The Examiner's action dated April 9, 2003, has been received, and its contents carefully noted.

Before discussing the restriction requirement presented in that action, it is desired to point out that two preliminary amendments were filed on August 13, 2001. One of these preliminary amendments amended claim 28 to be singly dependent only from claim 13, while the other amendment added a new claim 32. It is further noted that the first restriction requirement, which issued on December 30, 2002, acknowledged that claims 1-32 were pending.

By the present amendment, two further dependent claims have been added and claim 17 has been amended to depend from claim 13. Claim 30 depends from claim 29.

Since claims 17-27 now depend from claim 13, and there is no claim 28/17, and claim 30 was always dependent from claim 29, there is no basis in fact for the assertion that the claims of Group II are drawn to a method and device distinct from the claims of Group I. In particular, there is no basis for the view that inventions I and II are "related as combination and sub-combination." Each of the claims of invention II depends from a claim of invention I and therefore incorporates all of the subject matter of the respective claim of invention I. Simply stated, a claim that depends from, and includes all of the subject matter of, a proceeding claim, cannot properly be viewed as defining a sub-combination of the invention defined in the proceeding claim.

Accordingly, it is submitted that the restriction requirement is without merit and it is requested that this requirement be reconsidered and withdrawn.

However, to comply with PTO requirements, applicant hereby provisionally selects the claims of Group I, with traverse.

In re of Appln. No. 09/927,349

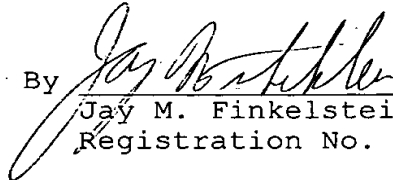
Added claims 33 and 34 depend from claim 13, and therefore belong to the elected invention.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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